

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

RIHANA CLARKE

\*

Plaintiff

\*

v.

\*

Civil Action No.: \_\_\_\_\_

JOSE ANDRES DELGADO ESTERAS,  
*et al*

\*

\*

Defendants

\*

\* \* \* \* \*

**NOTICE OF REMOVAL**

Petitioner/Defendant, PUERTO RICO PACKERS, NA INC., by its undersigned attorneys, David A. Skomba, James K. Hetzel and FRANKLIN & PROKOPIK, P.C. and pursuant to 28 U.S.C. §1441 *et. seq.*, hereby files this Notice of Removal of this action from the Circuit Court for Montgomery County, Maryland, in which it is now pending, to the United States District Court for the District of Maryland, and in support thereof respectfully avers as follows:

1. Petitioner/Defendant, PUERTO RICO PACKERS, NA INC., has been named as a Defendant in a suit filed in the Circuit Court for Montgomery County, Case No.: C-15-CV-22-000334.
2. The lawsuit was originally filed on January 24, 2022.
3. Petitioner, JOSE ANDRES DELGADO ESTERAS was served on or about February 11, 2022.
4. Petitioner, PUERTO RICO PACKERS, NA INC., was served on or about March 18, 2022.

5. The above-entitled action is now one in which this Court has original jurisdiction pursuant to Title 28 U.S.C. §1332. Petitioner seeks to remove this action to this Court under Title 28 U.S.C. §1446(b)(3):

...if the case stated by the initial pleading is not removable, a notice of removal may be filed within thirty days after receipt by the defendant, through service or otherwise, of a copy of an amended pleading, motion, order or other paper from which it may first be ascertained that the case is one which is or has become removable.

5. Pursuant to Local Rule 103.5(a) filed herewith are copies of the following additional state court documents: (1) Writ of Summons to Jose Andres Delgado Esteras, (2) Writ of Summons to Puerto Rico Packers, NA INC.; and (3) Complaint and Jury Demand as Exhibits 1 through 3 respectively.

6. The above-entitled matter is a civil action in which the Plaintiff seeks compensation against Petitioners/Defendants, JOSE ANDRES DELGADO ESTERAS and PUERTO RICO PACKERS, NA INC., for a motor vehicle occurrence where Plaintiff alleges she sustained bodily injury after the vehicle Petitioner/Defendant, JOSE ANDRES DELGADO ESTERAS, drove as an agent, servant or employee of Petitioner/Defendant, PUERTO RICO PACKERS, NA INC., struck her vehicle in the rear.

7. Plaintiff, RIHANA CLARKE, is a resident of Pennsylvania, residing at 2745 Amberbrooke Lane, York, Pennsylvania 17408.

8. Petitioner/Defendant, JOSE ANDRES DELGADO ESTERAS, is a resident of the state of Florida, residing at 2471 Grasmere View Parkway North, Kissimmee, Florida 34746.

9. Petitioner/Defendant, PUERTO RICO PACKERS, NA INC., is incorporated and has its principal place of business in the State of Florida.

10. All Defendants consent to this removal.

11. Petitioner/Defendant, PUERTO RICO PACKERS, NA INC., is entitled to removal because there is complete diversity of citizenship between the Plaintiff and the Defendants and the amount in controversy exceeds \$75,000.00.

**WHEREFORE**, Petitioner/Defendant, PUERTO RICO PACKERS, NA INC., respectfully requests that the above-entitled action be removed from the Circuit Court for Montgomery County, Maryland to the United States District Court for the District of Maryland.

Respectfully submitted,

/s/ David A. Skomba

David A. Skomba (#23664)

/s/ James K. Hetzel

James K. Hetzel (#20158)

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*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 13<sup>th</sup> day of April 2022, a copy of the foregoing Notice of Removal was served via the Court's ECF system upon:

A. David Freeman, Esquire  
DROSS BERMAN LLC  
11140 Rockville Pike, Suite 500  
Rockville, Maryland 20852  
*Attorneys for Plaintiff*

/s/ James K. Hetzel

James K. Hetzel (#20158)